THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5650 OF 2006

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Dated: 21-03-2006

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BETWEEN

Palakurti Venkata Naga Ramakrishna,

S/o. Late Sri Venkata Varadaraju,

Occ: Business, R/o. D.No.2A-6-19B,

Ward.No.2, P.P. Road, Palakol,

West Godavari District.

...PETITIONER

AND

Palakol Municipality,

Palakol, West Godavari District,

Rep. by its Commissioner.

...RESPONDENT

ORDER:

This writ petition is filed to declare the action of the respondent authorities in trying to demolish the buildings bearing Door Nos.2A-6-19 and 2A-6-19A situated in Ward No.2 of Palakol Municipality,
West Godavari District belonging to the petitioner as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner constructed a terraced building

in 1996 in Zeroithi site situated in Ward No.2, Palakol Municipality after obtaining permission from the respondent authorities vide proceedings B.A.No.37/96/G1 dated 11.03.1996 and the said building was assessed to tax. He further submits that the petitioner constructed another terraced building abutting the existing building in 1998 after obtaining permission from the municipality and has been paying taxes since then. He further submits that the two buildings are situated in the petitioner's site and they have been constructed without any deviation to the municipal plan. While so, the respondent authorities have decided to widen the P.P. Road in Palakol Municipal limits and started surveying the said road and in the process visited the premises of the petitioner on 17.03.2006 and put the red marks on his building showing the structures to be demolished.

The main grievance of the petitioner is that the respondents have not issued any notice before deciding to demolish the said premises and they are trying to demolish the buildings for the purpose of widening the road without acquiring the property under Land Acquisition Act and without following the due procedure prescribed under law and without paying any compensation, which action is utter violation of principles of natural justice.

No doubt widening/laying of the road is in the public interest but while laying the road, if any property of private individual is coming in the way, it is for the respondent to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case,
the respondent is directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either by way of private negotiations or by way of acquiring the said land by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 21, 2006

Note: Furnish C.C. of the order by 23.03.2006

(**B/o**)

DSK